

UNITED STATES DISTRICT COURT
for the
Western District of Washington

In the Matter of the Search of:

Mylisha Shanee Niiquaye

Case No. MJ23-5004

APPLICATION FOR A SEARCH WARRANT FOR BLOOD SAMPLE

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that a sample of blood consisting of one of more tubes or vials should be taken from the following person:

Mylisha Shanee Niiquaye
located in the Western District of Washington and that this blood sample is evidence of the following crime or crimes.

- ☒ Driving While Under the Influence in violation of RCW 46.61.502, 18 U.S.C. § 13, and 36 C.F.R § 4.23 or 38 C.F.R. § 1.218
- ☐ Physical Control of a Vehicle While Under the Influence of Alcohol or Drugs in violation of RCW 46.61.504, 18 U.S.C. § 13, and 36 C.F.R § 4.23 or 38 C.F.R. § 1.218
- ☐ Driver under Twenty-One Consuming Alcohol or Marijuana in violation of RCW 46.61.503 and 18 U.S.C. § 13
- ☐ Vehicular Homicide in violation of RCW 46.61.520 and 18 U.S.C. § 13
- ☐ Vehicular Assault in violation of RCW 46.61.524 and 18 U.S.C. § 13
- ☐ _____

This application is based on the facts set forth in the attached affidavit which is incorporated herein as if fully set forth.

Pursuant to Fed. R. Crim. P. 4.1 & 41(d)(3), this warrant is presented:

- ☒ By reliable electronic means. ☐ Telephonically (and recorded).

STEBBINS.JESSE.LEE.
1556347766

Digitally signed by STEBBINS.JESSE.LEE.1556347766
DN: cn=US, ou=U.S. Government, ou=DoD, ou=PKI,
ou=USA, cn=STEBBINS.JESSE.LEE.1556347766
Date: 2023.01.07 03:16:46 -0800

Applicant's Signature
OFC Jesse L. Stebbins

The above-named agent provided a sworn statement attesting to the truth of the foregoing affidavit by telephone on this 7th day of January, 2023.



THE HON. S. KATE VAUGHAN
UNITED STATES MAGISTRATE JUDGE

1
2 STATE OF WASHINGTON)
3) ss
4 COUNTY OF PIERCE)

5
6 AFFIDAVIT OF OFFICER JESSE STEBBINS

7 I, Jesse Stebbins a Police Officer with JBLM, Joint Base Lewis-
8 McChord, Washington, having been duly sworn, state as follows:

9 AFFIANT BACKGROUND

10 1. I am SPC Stebbins Jesse L. currently assigned to the Traffic Management
11 Collision Investigation section. I have completed 19 weeks of Military Police Training at One
12 Station Unit Training in Fort Leonard Wood. My training includes: Standardized Field Sobriety
13 Tests at Joint Base Lewis-McChord, My certification was completed August of 2020 in
14 accordance with the National Highway and Transportation Safety Administration (NHTSA)
15 standards, I completed training and certification on the Draeger Alcotest 9510, the Alco-sensor
16 III, and the Alco-Sensor FST in June 2022. I'm also currently certified as an operator for the
17 breath-testing instrument in the state Washington. I have attended a control burn for Cannabis
18 here at Joint Base Lewis-McChord on June 8th 2022. Through my training I have learned to
19 recognize the signs of alcohol and / or drug impairment in people to determine whether or not a
20 person's ability to drive and operate a motor vehicle safely is impaired. Based on my training, I
21 know that most drugs to include alcohol will be detectable in a person's blood and will enhance
22 impairment. I have conducted Multiple DUI arrest throughout my career.
23

24 ☐ Basic Training at the Federal Law Enforcement Training Center

25 X 19 week Military Police One Station Unit Training at Fort
26 Leonard Wood, Missouri

27 ☐ Basic Law Enforcement Academy at the Washington Criminal
28 Justice Training Commission

1
2 X Standardized Field Sobriety Testing

3 ☐ Advanced Roadside Impaired Driving Enforcement Training

4
5 2. The information presented in this affidavit is:

6 X Based on my personal observations and interviews that I have
7 conducted.

8
9 INTRODUCTION AND PURPOSE OF THE AFFIDAVIT

10 3. The purpose of this affidavit is to seek a search warrant to authorize me or
11 other law enforcement officers to direct a physician, a registered nurse, a licensed
12 practical nurse, a nursing assistant as defined in Chapter 18.88A of the Revised Code of
13 Washington (RCW), a physician assistant as defined in chapter 18.71A of the RCW, a
14 first responder as defined in chapter 18.73 of the RCW, an emergency medical technician
15 as defined in chapter 18.73 of the RCW, a health care assistant as defined in chapter
16 18.135 of the RCW, or any technician trained in withdrawing blood to extract a blood
17 sample consisting of one or more tubes or vials from Mylisha Shanee Niiquaye (hereafter
18 “the Subject”), who is fully identified in the proposed attached warrant. This warrant is
19 requested for the purpose of gathering evidence of the following crime(s):

20 X Driving While Under the Influence in violation of RCW 46.61.502, 18
21 U.S.C. § 13, and 36 C.F.R § 4.23 or 38 C.F.R. § 1.218

22 ☐ Physical Control of a Vehicle While Under the Influence of Alcohol or
23 Drugs in violation of RCW 46.61.504, 18 U.S.C. § 13, and 36 C.F.R §
24 4.23 or 38 C.F.R. § 1.218

25 ☐ Driver under Twenty-One Consuming Alcohol or Marijuana in violation
26 of RCW 46.61.503 and 18 U.S.C. § 13

27 ☐ Vehicular Homicide in violation of RCW 46.61.520 and 18 U.S.C. § 13

28 ☐ Vehicular Assault in violation of RCW 46.61.524 and 18 U.S.C. § 13

☐ _____

1 4. I am seeking to present this application for a search warrant by electronic
2 means because the natural metabolization of alcohol or drugs in the bloodstream may
3 result in the loss of this evidence in the time it would take to present a search warrant
4 application in a more traditional fashion.
5

6 SUMMARY OF PROBABLE CAUSE

7 5. As a result of my duties I am familiar with the jurisdictional boundaries of
8 Joint Base Lewis-McChord, Washington. The incident described below occurred within
9 these jurisdictional boundaries, an area within the special maritime and territorial
10 jurisdiction of the United States as defined in 18 U.S.C. § 7.

11 6. The initial contact with the Subject occurred on 07 January 2023 at
12 approximately 1203am on Garcia Blvd and Colter Ave. I was dispatched to a single
13 vehicle collision without injuries that crashed into the porch of a house. I arrived on scene
14 I made contact with the driver (the Subject) was conscious and her shorts were soiled. As
15 I was talking to the Subject she had blood shot watery eyes and slurred speech. The
16 subject could not stand up without falling over. I detected a very strong odor of an
17 alcoholic beverage emitting from her person. The Subject admitted to drinking an
18 alcoholic beverage. I asked the subject if she would conduct SFSTs but she denied. EMS
19 arrived on scene and declared that they will be transporting her to Madigan Army
20 Medical Center. Based on the roadway evidence the car traveled through multiple
21 ditches, hit a fire hydrant and struck a house at final impact.
22

23 7. Based on my training and experience, I believe the Subject may be under
24 the influence of intoxicants or drugs for the following reasons: She was driving through
25 multiple ditches in a residential area, collided into a fire hydrant, drove over the
26 sidewalk/curb and crashed into the porch area of a house.

27 8. The Subject:

- 28 ☐ Has refused to take a breath Alcohol test on an instrument approved by
the State Toxicologist or a federal agency for such breath testing.

- 1 x Is being treated in a hospital, clinic, doctor's office, emergency medical
2 vehicle, ambulance, or other similar facility, or is at a location that lacks
3 an instrument approved by the State Toxicologist or a federal agency for
4 performing such breath testing, and has refused to submit to a blood
5 test.
- 6 ☐ Is incapable due to physical injury, physical incapacity, or other
7 physical limitation of submitting to a breath alcohol test, and the
8 defendant has refused to submit to a blood test.
- 9 ☐ Has refused to submit to a blood test at the request of the undersigned.
- 10 ☐ Was not offered an opportunity to take a breath alcohol test on an
11 instrument approved by the State Toxicologist or a federal agency for
12 such breath testing because:
- 13 ☐ The available instrument is currently out of order
- 14 ☐ The individual does not speak English and the implied consent
15 warnings are not available in a language that the defendant
16 understands
- 17 ☐ _____
- 18 ☐ Submitted to a breath test on an instrument approved by the State
19 Toxicologist or a federal agency for such breath testing but the breath
20 alcohol concentration reading of xx BAC LEVEL is not consistent with
21 the defendant's level of impairment suggesting that the defendant is
22 under the influence of a drug.

23 9. A sample of blood extracted from the Subject if taken within a reasonable
24 period of time after he/she last operated, or was in physical control of, a motor vehicle,
25 may be tested to determine his/her current blood alcohol level and to detect the presence
26 of any drugs that may have impaired his/her ability to drive. This search warrant is being
27 requested within three hours and thirty minutes after the Subject ceased driving or was
28 found in in physical control of a motor vehicle.

CONCLUSION

10. For the reasons stated above, I request authority to direct a physician, a
registered nurse, a licensed practical nurse, a nursing assistant as defined in chapter
18.88A of the RCW, a physician assistant as defined in chapter 18.71A of the RCW,

a first responder as defined in chapter 18.73 of the RCW, an emergency medical technician as defined in chapter 18.73 of the RCW, a health care assistant as defined in chapter 18.135 of the RCW, or a technician trained in withdrawing blood to extract a blood sample consisting of one or more tubes or vials from Mylisha Shantee Niiquaye

11. This application for a warrant is being presented electronically pursuant to Fed. R. Crim P. 4.1 & 41(d)(3).

I certify (or declare) under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information and belief.

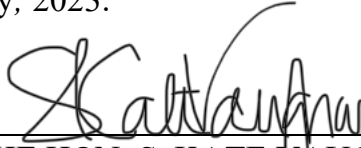
Dated this 07 day of January, 2023.

STEBBINS.JESSE
 .LEE.155634776
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Digitally signed by
 STEBBINS.JESSE.LEE.155634776
 DN: c=US, o=U.S. Government,
 ou=DoD, ou=PKI, ou=USA,
 cn=STEBBINS.JESSE.LEE.155634776
 Date: 2023.01.07 03:17:48 -08'00'

Officer Jesse L. Stebbins, Affiant
 Joint Base Lewis-McChord Police

The above-named agent provided a sworn statement attesting to the truth of the foregoing affidavit on the 7th day of January, 2023.


 THE HON. S. KATE VAUGHAN
 UNITED STATES MAGISTRATE JUDGE

I certify that the judge named above authorized me to sign his or her name to this affidavit, the associated search warrant application, and the associated search warrant.

Officer Jesse L. Stebbins

Applicant's Printed Name

Applicant's signature

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AFFIDAVIT OF OFFICER STEBBINS - 6

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